

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0238

HOUSE BILL NO. 1080

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to authorize a property tax opt out to exist in school district
2 reorganization plans.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If the governing bodies of two or more school districts submit a plan for reorganization
7 pursuant to §§ 13-6-10, 13-6-13, and 13-6-18 and one or more of the affected school districts
8 currently has an excess tax levy in accordance with § 10-12-43, the governing bodies may
9 specify within the plan for reorganization their desire to propose an excess tax levy. Under the
10 reorganized school district, all property taxes shall be levied in accordance with the excess tax
11 levy specified in the reorganization plan.

12 Section 2. That § 13-6-13 be amended to read as follows:

13 13-6-13. The plan shall contain:

14 (1) A map or maps showing the boundaries of the proposed district or districts, the
15 boundaries of the existing districts involved, the location of existing and proposed
16 attendance centers and a description of the facilities, and the proposed school bus



1 routes, if any;

2 (2) A legal description of the boundaries of the proposed district or districts;

3 (3) Estimates of the school age population within the proposed district or districts;

4 (4) The assessed valuation of all taxable property of each existing district and of the
5 proposed district or districts;

6 (5) Outstanding general obligation bonds of any component district, funds in all school
7 accounts and estimated receipts in all accounts in process of collection;

8 (6) If a joint district, the designation of the county of jurisdiction;

9 (7) The official name of the proposed district;

10 (8) A statement with regard to a proposed method of adjustment of assets and liabilities;

11 (9) The proposed number of school board members if a new entity is to be created;

12 (10) A description of the proposed educational program;

13 (11) A reasonably detailed budget showing estimated annual receipts and expenditures for
14 the operation of the proposed district or districts;

15 (12) A statement recognizing any requests for minor boundary changes;

16 (13) Such additional information as may be necessary to show compliance with the
17 standards for school districts as adopted by the South Dakota Board of Education;

18 and

19 (14) If one or more of the reorganizing school districts currently has an existing excess tax
20 levy and the proposed district desires to continue an excess tax levy, the amount of
21 the excess tax levy.

22 ~~When~~ If the plan proposes the dissolution and annexation of a school district to one or more
23 school districts, the school board of the receiving district, or districts, shall by resolution express
24 their acceptance or rejection of all or part of the district to be dissolved as set forth in the

1 proposed plan.